STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

SAMUEL BLACK,   EEOC Case No. 15D201600229

    Petitioner,   FCHR Case No. 2016-00381

v.   DOAH Case No. 16-5004

COMMERCIAL MILLWORKS, INC.,   FCHR Order No. 17-002

    Respondent.
_____/

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Samuel Black filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2015), alleging that Respondent Commercial Millworks, Inc., committed unlawful employment practices on the basis of Petitioner's disability by failing to provide Petitioner a reasonable accommodation and on the bases of Petitioner's race (African American), color (dark-skinned), age (DOB: 8-26-49) and disability by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on July 22, 2016, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

The matter was assigned to Administrative Law Judge J. Bruce Culpepper.

Prior to an evidentiary hearing in the case, Judge Culpepper considered Respondent's Amended Motion to Dismiss for Lack of Jurisdiction.

In response to Respondent's motion, Judge Culpepper issued an Order Closing File and Relinquishing Jurisdiction, dated October 24, 2016, finding that Respondent had never employed 15 or more employees at any one time since its founding in 1992, and that, accordingly, Respondent did not qualify as an "employer" subject to the Florida Civil Rights Act of 1992. See, Section 760.02(7), Florida Statutes (2016).

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Order Closing File and Relinquishing Jurisdiction.

Findings of Fact

We find the Administrative Law Judge's findings of fact contained in the Order Closing File and Relinquishing Jurisdiction to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts as set out in the Order Closing File and Relinquishing Jurisdiction, including the conclusion that "...Respondent does not qualify as an 'employer' under the Florida Civil Rights Act," to be correct.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Closing File and Relinquishing Jurisdiction.
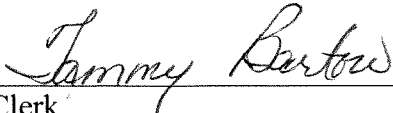
Dismissal

The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 5 day of January , 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Jay Pichard; and
Commissioner Sandra Turner

Filed this 5 day of January , 2017,
in Tallahassee, Florida.

Tammy Bartow
Clerk
Commission on Human Relations
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J. Bruce Culpepper, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

   I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above
listed addressees this _____5_____ day of _January_____, 2017.

        By: _Tammy Bartow_____
        Clerk of the Commission
        Florida Commission on Human Relations